IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

THURSDAY, THE TWENTY EIGHT DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WRIT PETITION No.20182 of 2007

Between:

PSRA. Prasada Rao, s/o P.Ramachandra Rao,
aged about 68 years, Founder Trusteee,
Sri Durga Jeeveswara Swamy Temple,
Rajavolu (v), Cherukupalli Mandal,
Guntur District. **… Petitioner**

Versus

The Dy. Commissioner of Endowments,
Guntur &Anr. **… Respondents**

Counsel for the Petitioner: **Sri M.Vidyasagar**

Counsel for the Respondents: **Govt. Pleader for Endowments**

O R D E R :

The matter is coming up 'for admission'. On 24-9-2007 the learned Govt.Pleader for Endowments takes notice on behalf of first respondent. Sri VTM Prasad takes notice on behalf of second respondent and requested time to get instructions.

2. Heard Sri M.Vidyasagar, the learned counsel representing the writ petitioner and the learned Govt.Pleader for Endowments for Respondent No.1 and Sri VTM Prasad representing Respondent No.2.

3. The writ petition is filed for a writ of mandamus to declare the inaction of the first respondent i.e., the Deputy Commissioner of Endowments, Guntur in not constituting a board of trustees to Sri Durga Jeeveswara Swamy Temple, Rajavole village, Cherukupally Mandal, Guntur district, as bad, illegal, arbitrary and to pass such other suitable orders.

4. It is stated that the Sri Durga Jeeveswara Swamy Temple was originally constructed by the forefathers of the petitioner in the year 1872 and certain properties had been endowed to the temple. The petitioner had referred to the Circular issued vide No.J5/5288/96, dated 25-3-1996.

5. It is further stated that the petitioner was declared member of the Founder Family vide GO.Rt.No.798, dated 19-4-2006 of the Government also had been referred to. It is also stated that on 30-6-

2006 a representation was made by the petitioner to the first respondent requesting him to take positive steps in relation to the constitution of the trust board. The only grievance of the petitioner is that in spite of repeated request trust board is not constituted.

6. In the light of Section 15 and 17 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act 1987, the Endowment Department is bound to constitute trust board. It is stated that a representation dated 30-6-2006 is said to be pending before the first respondent-the Deputy Commissioner of Endowments, Guntur.

7. In the facts and circumstances, this Court is of the considered opinion that the writ petition be disposed of, directing the first respondent to consider the representation of the petitioner dated 30-6-2006 and pass appropriate orders in relation thereto, within a period of four weeks from the date of receipt of this order.

8. The writ petition is disposed of at the stage of admission. No costs.

JUSTICE P . S . NARAYANA .

28/09/2007

lsL